

### **REMARKS/ARGUMENTS**

Claims 56-77 are currently pending in this application. Claims 56-59, 64, 67-70, 73, and 75-76 have been amended. Support can be found in the claims and specification as originally filed. Claim 74 has been canceled.

With respect to all claims, Applicants have not dedicated, disclaimed, or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

#### **Withdrawn rejections**

Applicants thank the Examiner for the withdrawal of the rejection of claim 77 based on 35 U.S.C. §112, first paragraph - written description, and the rejection of claims 56, 58-68, 70-71, and 73-76 based on Carter et al. U.S. Patent No. 5,731,168 under 35 U.S.C. §103(a).

#### **Rejections under 35 U.S.C. §112, second paragraph – Definiteness**

Claims 67-72 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. As currently amended, claim 67 recites a “method of preparing a multispecific antibody comprising at least four polypeptides, the method comprising the steps of: (i) selecting nucleic acids encoding the polypeptides” and (a) and (b) refer to first, second, third, and fourth polypeptides. Based on these amendments, Applicants respectfully submit that claim 67 and any claim depending therefrom is clear and definite.

#### **Rejections under 35 U.S.C. §103**

##### **I. Carter in view of de Kruif references**

Claims 56, 58-68, 70, 71 and 73-76 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Carter et al. WO 96/27011 published September 6, 1996; cited in IDS (hereinafter referred to as “Carter”) in view of de Kruif et al. (1996) J. Biol. Chem. 271(13): 7630-7634 (hereinafter referred to as “de Kruif-A”) and further in view of de Kruif et al. (1995) J. Mol. Biol. 248: 97-105 (hereinafter referred to as “de Kruif-B”). Applicants

traverse the rejection and reiterate their previous arguments of record that the Examiner has not established a *prima facie* case of obviousness at least because **(A)** the references cited do not teach or suggest all elements of the currently pending claims, **(B)** a person of ordinary skill in the art would have no good reason to make the combination asserted by the Examiner; **(C)** the references teach away from the present invention, and **(D)** the Examiner has based obviousness on improper hindsight.

In addition, Applicants point out that independent claims 56, 67, and 73 have been amended to recite a “method of preparing a multispecific antibody comprising at least four polypeptides” (emphasis added). The Examiner’s reliance on the primary reference Carter has been discussed previously by the Applicants (page 9-10 of the July 21, 2008 Response). Applicants respectfully submit that when taken as a whole, the references cited by the Examiner do not teach or suggest Applicants’ presently claimed invention because the secondary references de Kruif-A and de Kruif-B do not relate to “a multispecific antibody comprising at least four polypeptides”. Rather, de Kruif-A and de Kruif-B concern single chain Fv (scFv) antibody fragments or dimerized scFv antibody fragments. Therefore, the references relied upon by the Examiner do not teach or suggest each and every element as set forth in currently amended claims 56, 67, and 73, and any claim depending therefrom. Based upon the foregoing, Applicants respectfully submit that the references cannot form the basis of an obviousness rejection and request the withdrawal of the rejection.

## II. Hu et al. in view of de Kruif references

Claims 56, 57, 67 and 69 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Hu et al. (1996) Cancer Research, 56:3053-3061 (hereinafter referred to as “Hu”) in view of de Kruif-A and further in view of de Kruif-B. Applicants traverse the rejection and reiterate their previous arguments of record that the Examiner has not established a *prima facie* case of obviousness at least because **(A)** the references cited do not teach or suggest all elements of the currently pending claims, **(B)** a person of ordinary skill in the art would have no good reason to make the combination asserted by the Examiner; **(C)** the references teach away from the present invention, and **(D)** the Examiner has based obviousness on improper hindsight.

In addition, Applicants point out that independent claims 56 and 67 have been amended to recite a “method of preparing a multispecific antibody comprising at least four polypeptides” (emphasis added). Applicants respectfully submit that when taken as a whole, the references cited by the Examiner do not teach or suggest the Applicants’ presently claimed invention because Hu, de Kruif-A and de Kruif-B do not relate to “a multispecific antibody comprising at least four polypeptides”. Rather, these references each concern single chain Fv (scFv) antibody fragments or dimerized scFv antibody fragments. Therefore, the references relied upon by the Examiner do not teach or suggest each and every element as set forth in currently amended claims 56 and 67, and any claim depending therefrom. Based upon the foregoing, Applicants respectfully submit that the references cannot form the basis of an obviousness rejection and request the withdrawal of the rejection.

**CONCLUSION**

In light of the above amendments, Applicants believe that this application is now in condition for immediate allowance and respectfully request that the case be passed to issue.

Please charge any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 50-4634, referencing Attorney's Docket No. GNE-0215C1(123851-181381).

Respectfully submitted,

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